

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19

FRENCH AMERICAN SCHOOL OF
THE PACIFIC NORTHWEST d/b/a
THE PORTLAND FRENCH SCHOOL
Employer

and

Case 36-RC-6481

ASSOCIATED FRENCH SCHOOL
EMPLOYEES affiliated with AMERICAN
FEDERATION OF TEACHERS, AFL-CIO
Petitioner

NOTICE OF HEARING ON CHALLENGED BALLOTS

Pursuant to a Stipulated Election Agreement approved by the Regional Director on March 23, 2010, an election by secret ballot was conducted on April 16, 2010, in the following units of employees:

Voting Group A: All professional employees including all full-time and regular part-time teachers and librarians employed by the Employer in Portland, Oregon; but excluding all nonprofessional employees, substitute teachers, substitute assistant teachers, staff coordinators, independent contractors, managerial employees, confidential employees, and guards and supervisors as defined by the Act.

Voting Group B: All non-professional employees including all full-time and regular part-time assistant teachers, administrative assistants, and AFCA coordinators employed by the Employer in Portland, Oregon; but excluding all professional employees, substitute teachers, substitute assistant teachers, staff coordinators, IB MYP coordinators, independent contractors, managerial employees, confidential employees, and guards and supervisors as defined by the Act.

The eligible voters in Voting Group A voted a two-part ballot with two questions appearing on their ballot: "Do you wish to be included with nonprofessional employees

in a unit for the purposes of collective bargaining?” and, “Do you wish to be represented for purposes of collective bargaining by Associated French School Employees affiliated with American Federal of Teachers, AFL-CIO?”

The tally of ballots for the first question for Voting Group A was served upon the parties at the conclusion of the election which set forth the following results:

Approximate number of eligible voters	26
Void ballots	0
Votes cast for inclusion with non-professionals	10
Votes cast against inclusion with non-professionals	12
Valid votes counted.....	22
Challenged ballots.....	3
Valid votes counted plus challenged ballots.....	25

The challenged ballots are sufficient in number to affect the results of the election for question one of Voting Group A. In addition, one challenged ballot was cast in Voting Group B. The challenged ballots were received and segregated in a manner adequate to maintain their secrecy.

On April 23, 2010, the Petitioner timely filed objections to conduct affecting the results of the election.

As the challenged ballots are sufficient in number to affect the election, a preliminary investigation was conducted under the direction and supervision of the undersigned with respect to the issues encompassed by said challenged ballots.

The following challenges were made to ballots cast in Voting Group A: Dominique Bradley, the Admission and Marketing Coordinator, was challenged pursuant to agreement of the parties; Bettina Calaba, the Event and Development Coordinator, was challenged pursuant to agreement of the parties; and Anne Robins was challenged by the Petitioner as a supervisor.

The ballot cast in Voting Group B by Andrea Vergun was challenged by the Board agent as not being on the list of eligible voters provided by the Employer and by the Petitioner as not being employed in the bargaining unit. Due to the nature of the election herein, it has not yet been determined that the ballot cast by Vergun will be determinative of the election results.

ORDER

After a preliminary investigation into the facts surrounding the eligibility of the aforementioned individuals, the undersigned has concluded that the above challenges raise substantial and material factual issues, including credibility resolutions, which can best be resolved by a hearing, and such hearing is hereby ordered.¹ Pursuant to the agreement of the parties, the hearing will address the issues raised by all four challenged ballots, including that of the currently non-determinative challenge to the ballot of Vergun.

NOTICE OF HEARING

IT IS HEREBY ORDERED, pursuant to § 102.69(d) of the National Labor Relations Board Rules and Regulations, Series 8, as amended, that on the **27th day of May, 2010 at 9:00 a.m.**, at **601 SW Second Avenue, Suite 1910, Portland, Oregon**, a hearing will be conducted before a duly appointed Hearing Officer of the National Labor Relations Board on the issues raised by the challenged to the aforementioned individuals. The hearing shall continue on consecutive days thereafter until concluded. At said hearing, all parties will have the right to appear in person, or otherwise, and fully

¹ I have also concluded that, for the time being, Petitioner's objections are to be held in abeyance pending the hearing I am ordering concerning the challenged ballots and, thus, the objections in this case will be effectively retained for further appropriate processing.

participate, and will be afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues.

IT IS FURTHER ORDERED, pursuant to § 102.69(e) of the Board's Rules and Regulations, Series 8, as amended, that the Hearing Officer designated to conduct the hearing shall prepare and cause to be served on the parties a report on challenged ballots which will contain findings of fact, including credibility resolutions, and recommendations to the Board concerning the disposition of the issues involved. Within fourteen (14) days from the date of issuance of such report of the Hearing Officer, any party may file with the National Labor Relations Board, Attn: Executive Secretary, 1099 - 14th Street, N.W., Room 11600, Washington, D.C. 20570-0001, an original and seven (7) copies of exceptions to such report, with supporting brief, if desired, which shall be printed or otherwise legibly duplicated.

Immediately upon filing of such exceptions, the party filing the same shall serve a copy thereof, together with a copy of any brief filed, upon the other parties and simultaneously submit to the Board a statement of such service. If no exceptions are filed to the Hearing Officer's Report, the Board may decide the matter forthwith upon the record or make other disposition of the case.

In the Subregional Office's initial correspondence, the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with its offices. If a party wishes to file one of the documents which may now be filed electronically, please refer to the Attachment supplied with the Regional Office's initial correspondence for guidance in doing so. Guidance for E-filing can also be found on the National Labor Relations Board web site

at www.nlr.gov. On the home page of the website, select the **E-Gov** tab and click on **E-Filing**. Then select the NLRB office for which you wish to E-File your documents. Detailed E-filing instructions explaining how to file the documents electronically will be displayed.

DATED at Portland, Oregon, this 14th day of May, 2010.

RICHARD L. AHEARN, REGIONAL DIRECTOR

By: _____
Linda L. Davidson, Officer in Charge
National Labor Relations Board, Subregion 36
601 S.W. Second Avenue, Suite 1910
Portland, OR 97204-3170